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C O N F I D E N T I A L BAGHDAD 003104

SIPDIS

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SUBJECT: ELECTION LAW UPDATE: SUNNI-SHIA COMPROMISE  
FORMALLY PRESENTED TO KURDS

Classified By: Political Counselor Yuri Kim for Reasons 1.4 (b) and (d)

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¶1. (C) Having reached agreement on the implementation of the November 23 amendment to the election law, Sunni and Shia negotiators (DPM Rafi al-Issawi and MP Hadi al-Amiri, respectively) today met with Kurdistan Alliance leader Fuad Massoum to seek Kurdish buy-in. Although Massoum said he was unable to agree to the seat distribution and accompanying regulatory adjustments without first speaking with President Jalal Talabani and KRG President Masoud Barzani, the atmosphere during today's talks was informal and positive. The Deputy Chairperson of the Independent High Electoral Commission (IHEC), accompanied by UNAMI and IFES advisors, attended the meeting and agreed that IHEC could use its regulatory authority to adjust the seat distribution so long as there was consensus among the political blocs. All parties have agreed to reconvene tomorrow to hear Fuad Massoum's response from Kurdish leaders.

¶2. (C) The agreement presented today will allow all three sides to retain at least the same number of seats in their respective electoral strongholds as they would have had under either the November 8 or November 23 agreement, whichever was more favorable. Despite initial indications to the contrary, Fuad Massoum did not take issue with the decision by the two Arab groups to use 2005 data as a base for the size of the Council of Representatives (COR), while using 2009 data for the purposes of seat allocation. The key question today was whether the eight minority reserve seats could be taken from the national compensatory seats. Issawi has argued, and Amiri has agreed, that the law specifies where the minority seats should go, but not where they should come from. IHEC is amenable to this interpretation as long as the three blocs reach consensus. The Sunni have also demand that procedures for out-of-country voting be adopted prior to the law being ratified was mollified by a promise from IHEC that regulatory options will be ready for discussion at a meeting on November 28.

¶3. (C) Krikor Der-Hapogian, Hashimi's representative at the talks, stated that he was pleased with the course of the discussion and indicated that we were "very close to a final agreement." Issawi also noted during the discussion that, although he could not speak directly for VP Hashimi, he felt we had moved past the threat of a veto. When asked what Hashimi's next steps would be if the talks conclude tomorrow with an agreement, Der-Hapogian told PolCouns that the Vice President would likely issue a press statement indicating his intent to sign the law, as President Talabani and Vice President Adel Abdul Mehdi already have. The presidential decree announcing the ratification of the law and setting a date for the elections would then be released on Tuesday, December 1, the first business day after the Eid holidays.

¶4. (C) All efforts have now turned to convincing the Kurds to accept the deal. President Talabani and Masrour Barzani (KRG President Masoud Barzani's son) indicated to the Ambassador that they were positively inclined and were awaiting Fuad Massoum's readout. All three Iraqi parties again emphasized

the importance of active U.S. engagement and asked PolCouns to continue to mediate their discussions.

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